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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION

11 UNITED STATES OF AMERICA, ) No. CR 05-324 MMC  
12 Plaintiff, )  
13 v. ) ~~REVISED [PROPOSED]~~ ORDER  
14 DENNIS CYRUS, JR., ) ALLOWING GOVERNMENT  
15 Defendant. ) PSYCHIATRIC EXPERT TO  
16 EXAMINE DEFENDANT

17 Pursuant to its authority under Fed. R. Crim. P. 12.2(c)(1)(D), and in light of the  
18 defendant's notice of expert evidence of a mental condition under Fed. R. Crim. P.  
19 12.2(b) as filed on February 18, 2009, this Court hereby ORDERS that a psychiatric  
20 expert of the United States' choosing may examine the defendant at a time and place  
21 convenient to both parties. The examination shall be videotaped. In light of the  
22 defendant's notice, which describes expert testimony relating to the effects of intoxication  
23 of the defendant at the time of the charged offenses, the United States' expert shall be  
24 allowed to discuss all relevant matters at the aforementioned examination, including the  
25 events giving rise to the charged offenses.

26 Within <sup>72</sup>~~48~~ hours of receiving the aforementioned videotaped interview of the  
27 defendant, the defense shall be allowed to file ex parte and under seal a motion  
28 challenging any portion of the interview on grounds that it should not be disclosed to the

1 United States. A hearing on such motion, if the Court deems a hearing necessary, shall be  
2 held as soon as practicable.

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3 Upon ruling on any such motion, or upon the expiry of ~~48~~ hours from the delivery  
4 of the videotape to the defense in the absence of any such motion, the psychiatric expert  
5 of the United States' choosing who conducted the interview of the defendant shall  
6 produce all, or as many, materials relating to the psychiatric examination as is consistent  
7 with any subsequent orders of the Court.

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9 DATED: March 5, 2009

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11 HON. MAXINE M. CHESNEY  
12 United States District Judge  
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